

## REMARKS

Claims 1 through 12 are currently pending in the above-captioned application. The Office Action noted that the oath or declaration submitted with the application was defective under 37 CFR 1.55 for failure to correctly identify the foreign application for patent or inventor's certificate on which priority is claimed. The Office Action rejected Claims 1, 2, 6, 7, 9 and 12 under 35 U.S.C. §102 as being assertedly anticipated by Glawion et al., U.S. Patent No. 6,062,838, ("Glawion et al."). The Office Action rejected Claim 10 under 35 U.S.C. §103 (a) as being assertedly unpatentable over Glawion et al. in view of Schwartz et al., U.S. Patent No. 5,866,055, ("Schwartz et al."). Lastly, the Office Action rejected Claim 11 under 35 U.S.C. §103(a) as being assertedly unpatentable over Glawion et al. in view of Schwartz et al. as applied to claim 10 and further in view of Boyles et al., U.S. Patent No. 4,038,357, ("Boyles et al.") and Stein et al., U.S. Patent No. 6,174,474, ("Stein et al.").

With regard to the defective oath or declaration, Applicant submits that the defect has been addressed by including herewith a supplemental oath or declaration which correctly identifies the priority date of the foreign application for patent on which priority is claimed, which renders this issue moot.

With regard to rejection of Claims 1, 2, 6, 7, 9 and 12 under 35 U.S.C. §102, Applicant respectfully disagrees with such rejection and respectfully requests reconsideration. Applicant submits that the present invention is not anticipated by Glawion et al. The Office Action mischaracterizes the cooling device of Glawion et al. as comprising a "blowing chamber" in order to favorably compare it to the cooling device of the present invention; however, Glawion et al. describes the blowing apparatus of the cooling device in the specification and the claims as a "blower nozzle" or a "blowing nozzle". [Col. 4, Line 57; Col. 12, Line 52]. The blowing

chamber of the present invention has a cylindrical shape with extension in the axial direction containing a porous annular jacket, so that the cooling air flowing into the interior of the blowing chamber exits radially outwardly through the porous jacket and passes through the filament bundle. The cooling air in the present invention is not directed by the blowing chamber to specific areas of the filament bundle, but rather, simply exits radially outwardly from the blowing chamber. In contrast, the blowing nozzle disclosed in Glawion et al. comprises

an upper plate member and lower plate member spaced apart from said upper plate member and facing said spinning nozzles, said plate members defining a guide therebetween wherein said cooling air moves from an initial vertical direction ... and is redirected to a generally horizontal direction by said guide, said plate members defining an outlet opening wherein said cooling air exits said guide and is directed to said spinning nozzles.

[Col. 12, Line 3 – Col. 13, Line 5]. Further the blowing nozzle disclosed in Glawion et al. was “designed in a special manner to guide the blown air stream.” [Col. 5, Line 27]. The specification and drawings of Glawion et al. take great care to describe how the blowing nozzle in particular, and the cooling device as a whole, was designed to guide the blown air stream. [Col. 5, Line 26-58, Figs. 3-5]. Glawion et al. does not anticipate the present invention because a modification of Glawion et al. would likely involve further iterations of guiding a single blown air stream with special designs; however, the present invention is more simple and straight forward in its approach to cooling the filament bundle by elongating the blowing apparatus of the cooling device into a cylindrical chamber and surrounding the chamber with a porous annular jacket that allows for an increased area of cooling without the complex design schemes required in Glawion et al. and other similar prior art.

Further, one skilled in the relevant art would not use the fastening means taught in Glawion et al. to fasten a blowing chamber such as the one in the present invention. The blower nozzle is “radially fixed by means of a centering device which is connected via the connecting

rod to the threaded segment.” [Col. 6, Lines 43-45]. The centering device is introduced into a centering recess, which serves to radially fix the centering device and hence the blower nozzle. [Col. 6, Line 48]. While the centering recess as drawn in Fig. 1 appears to be fairly small, it still allows for radial movement of the blower nozzle. A person in relevant industry would know that this fastening system as taught in Glawion et al. would not be sufficient to fix a cylindrical body and ensure that it remains precisely centered over its entire length between the filament bundle. As such, a person of skill in the relevant art would not apply the teachings of Glawion et al. in combination with the blowing chamber of the present invention, but rather, would use a more stable fastening device, such as the one disclosed in the present invention to stabilize a cylindrical body for precise centering over its entire body.

The Office Action asserts that Glawion et al. teaches “the blowing chamber displaceable axially relative to the holding device between the operating position and a replacement position.” However, this is again a mischaracterization of Glawion et al. Glawion et al. only discloses one position, which is an operating position. While it teaches that the lower plate of the blowing nozzle can be raised or lowered in order to modify the air stream being guided through the blowing nozzle, [Col. 6, Lines 52-3] it never discloses a second replacement position that is differentiated from the operating position. In fact, Glawion et al. never even mentions replacement of the blowing nozzle. The Office Action assumes that the plates of the blowing nozzle may be detached; however, neither the specification nor the claims disclose the capability of detachability. In contrast, the present invention teaches two distinct positions for the blowing chamber, an operating position and a replacement position. While “the limitation ‘to facilitate replacement of the blowing chamber in the replacement position’ is a process limitation not having weight in an apparatus claim”, the existence of two distinct positions certainly has weight

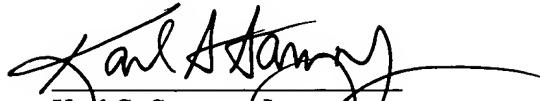
in an apparatus claim. Glawion et al. does not anticipate the present invention because to modify Glawion et al. to produce the present invention would require one to deviate from the teaching of Glawion et al. of a single position for the cooling device, which is the operating position. Applicant submits that the fundamental structural and operational differences between Glawion et al. and the present invention indicate that Glawion et al. does not, and cannot, anticipate the present invention. As such, Applicant respectfully requests reconsideration and removal of this rejection.

With regard to the rejection of Claim 10 under 35 U.S.C. §103(a), Applicant does not agree that it would be obvious to combine Glawion et al. and Schwarz et al., but the issue is moot in that, even if the teachings of these references are combined, because the present invention is not obvious from Glawion et al. alone, as discussed above, it is not obvious from Glawion et al. in view of Schwarz et al. or any other references.

Similarly, with regard to the rejection of Claim 11 under 35 U.S.C. §103(a), Applicant does not agree that it would be obvious to combine Glawion et al. and Schwarz et al. with Boyes et al. or Stein et al. However, the combination of these references would not render the present invention “obvious” under section 103 because the present invention is not obvious from Glawion et al. alone, as discussed above, and therefore any combination of Glawion et al. with any other reference would not render the present invention obvious.

In view of the foregoing, it is respectfully submitted that the present invention, as defined in the standing claims, is patentably distinguished over the cited Glawion et al., Schwarz et al., Boyes et al., and Stein et al. patents. Favorable reconsideration and passage of this application to allowance are respectfully requested.

Respectfully submitted,



Karl S. Sawyer, Jr.

Registration No. 28,902

Kennedy Covington Lobdell  
& Hickman, L.L.P.

Hearst Tower  
214 N. Tryon Street, 47<sup>th</sup> Floor  
Charlotte, North Carolina 28202  
Telephone (704) 331-7569  
-- Attorney for Applicant

0273903.01  
LIB: